

REMARKS

Claims 1 to 39 are pending. Claims 40 to 50 are currently canceled. Claims 1 and 15 are currently amended. Support for the amendments to claims 1 and 15 can be found, for example, on page 5, lines 10-11 of the specification. Reconsideration of the application is requested.

Information Disclosure Statement

Upon review of the file, it was noted that the initialed Form PTO-1449 filed with the Information Disclosure Statement dated February 25, 2008 has not been received. It is requested that the Examiner initial the Form PTO-1449, a copy of which is enclosed for the Examiner's convenience, and return it to the undersigned attorney.

Interview Summary

Applicants thank Examiner Ahmed for extending to the undersigned attorney the courtesy of a telephonic interview on September 15, 2009. The interview was devoted to a discussion of the Examiner's Response to Arguments starting on page 7 of the Office Action dated June 18, 2009. Applicants thank the Examiner for his suggestions in an effort to move prosecution forward. The substance of the interview is addressed in the claim amendments and remarks submitted herewith.

§ 103 Rejections

A. Claims 1-5 and 7-39 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,780,047 ("Kamiya") in view of U.S. Patent No. 4,855,142 ("Fankhauser").

1. Independent Claim 1 and Dependent Claims 2-5 and 7-14

Kamiya does not teach or disclose a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive, as recited in amended claim 1.

Kamiya discloses a patch comprising a water-soluble adhesive sheet (a) (see Kamiya, col. 2, lines 45-46). A sheet (b) comprising a water-soluble protective material may be provided on one side surface and/or a peelable sheet (c) may be provided on one side or both side surface(s), or the sheet (b) may be provided on one side surface and the peelable sheet (c) is provided on another side surface, in view of protection of the adhesive sheet (a) and convenience in handling upon application to human skin (see Kamiya, col. 5, lines 16-23). Therefore, Kamiya does not disclose a device having the construction of 1) support layer, 2) carrier, and 3) adhesive.

In the Response to Arguments, the Examiner remarks that the features upon which applicants rely (i.e., support layer attached to a carrier on the surface opposite the adhesive layer) are not recited in the rejected claim(s) (see Office Action dated 6/18/09, page 7). The Examiner further remarks that applicants suggest that the support layer, carrier and adhesive are structured as three distinct layers by numbering each element 1, 2 and 3; however, claim 1 is not clear as to the structural features of the device being claimed (see Office Action dated 6/18/09, page 7). In response, Applicants have clarified the structure of the device by amending claim 1 to recite "the cold water-soluble carrier comprises film, fabric, tape or combinations thereof." Therefore, according to amended claim 1, the "cold water-soluble carrier comprises film, fabric, tape and combinations thereof," the "cold water-soluble carrier ... [has] a first surface and a second surface," the "cold water-soluble adhesive [is] disposed on at least a portion of the first surface of the carrier," and the "support layer releasably adhere[s] to the second surface of the carrier." In other words, the positional relationship between the carrier, adhesive and support layer, as provided in amended claim 1, supports a device having the construction of 1) support layer, 2) carrier, and 3) adhesive. This construction is also fully supported in the specification (see, for example, present application, page 5, lines 9-20).

Fankhauser relates to a pharmaceutical plaster that adheres to the mucosa and consists of two discrete layer that adhere well to one another: (1) a cover film; and (2) an adhesive layer (see Fankhauser col. 2, lines 5-27). Fankhauser does not make up for the deficiencies cited above with respect Kamiya.

Therefore, for at least the reasons provided above, independent claim 1 is patentable over Kamiya in view of Fankhauser. Claims 2-5 and 7-14 each add additional features to claim 1. Therefore, claims 2-5 and 7-14 are also patentable over Kamiya in view of Fankhauser.

2. Independent Claim 15

Amended claim 15 recites “[a] system for delivering at least one active agent to a localized body surface comprising: a cold water-soluble carrier comprising at least one polymer and at least one plasticizer, and having a first surface and a second surface, wherein the cold water-soluble carrier comprises film, fabric, tape or combinations thereof; a cold water-soluble adhesive disposed on at least a portion of the first surface of the carrier, and having a carrier surface in contact with first surface of the carrier, and an application surface opposed to the carrier surface; at least one active agent in association with the carrier, the adhesive, or both; and a support layer releasably adhered to the second surface of the carrier.”

As discussed above with respect to claim 1, Kamiya does not teach or disclose a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive. Fankhauser fails to make up for the deficiency in Kamiya.

Therefore, for at least the reasons provided above, independent claim 15 is patentable over Kamiya in view of Fankhauser. Claims 16-39 each add additional features to claim 15. Therefore, claims 16-39 are also patentable over Kamiya in view of Fankhauser.

B. Claims 1 and 6 are rejected under 35 USC § 103(a) as being unpatentable over Kamiya in view of U.S. Patent No. 5,028,435 (“Katz”).

As discussed above with respect to claim 1, Kamiya does not teach or disclose a device in which a support layer is attached to a carrier on the surface opposite the adhesive layer, i.e. a construction of 1) support layer, 2) carrier, and 3) adhesive.

Katz fails to make up for the deficiency cited with respect to Kamiya. Therefore, for at least the reason cited above, independent claim 1 is patentable over Kamiya in view of Katz. Claim 6 adds additional features to claim 1. Therefore, claim 6 is also patentable over Kamiya in view of Katz.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

Sept 18, 2009
Date

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